

Amendments to the Drawings:

None

REMARKS/ARGUMENTS

REQUEST FOR RECONSIDERATION OF MAKING OFFICE ACTION FINAL

Applicants respectfully request reconsideration and removal of making this Office Action Final when the USPTO has cited new art for the first time. The art in question, CN 1453886, also known as EP 1359790, or US 7183010 or US 2004/0076853 was well known to the USPTO for several years because it was cited and overcome in companion case ARL 06-17 (Now US Patent № 7,135,243) by a different examiner in a different art unit. However, the present examiner was familiar with US Patent № 7,135,243 when he rejected the claims of the present application on double patenting over this patent. The narrowing amendment did not necessitate the application of the new reference which could have been asserted before on the unchanged claims as it was in ARL 06-17.

DISCUSSION

Applicants respectfully traverse the rejections in the Final Office Action mailed 03/12/2010. In the Office Action of 03/12/2010 Claims 1-11 were rejected. Applicants' prior amendment was acknowledged and the prior 35 USC § 103 rejection was withdrawn. The prior non-statutory obviousness-type double patenting rejection was withdrawn because of Applicants' Terminal Disclaimer. Claims 1-11 are rejected under 35 USC §103(a) as obvious from Jarikov (CN 1453886 same as US 7,183,010). Allegedly, the instantly claimed luminescent materials are obvious from those compounds taught by Jarikov '010 because they are isomers of the compounds described in Jarikov '010.

Applicants respectfully traverse this new § 103 rejection of Claims 1-11 rejected under 35 U.S.C. § 103 as un-patentable in view of Jarikov (US 7,183,010 previously cited in the companion case, which is now US 7,135,243, as Jarikov Pub US 2004/0076853). The Jarikov Patent '010 presents a myriad of different compounds and luminescent materials without teaching or recognizing the use of the claimed anthantherene derivatives as a luminescent dopant material. Specifically, the Jarikov devices of both the Jarikov US '010 and the Jarikov EP 1,359,790 teach a two component host material and a dopant. In addition, Jarikov Pub does not teach that the anthantherene derivatives standing alone as the dopant. Applicants claim and teach the anthantherene derivatives as the sole luminescent component. The specific examples

of the instant application show actual test results and comparisons that are reflected in the tables and figures of the instant application. The claim 1 has been amended consistent with claim 1 of Patent № 7,135,243 to distinguish more clearly from Jarikov '010 and these claims are now believed to be in condition for allowance. In addition, the article "A" was changed to "An" to make the claim more grammatical.

Applicants respectfully requests that a timely Notice of Allowance be issued in this case. The Director is hereby authorized to charge any additional fees or underpayments under 37 C.F.R. § 1.16 & 1.17; and credit any overpayments to Deposit Account No. **19-2201** held in the name of U.S. Army Materiel Command.

Respectfully submitted,
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